

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**DWAYNE BREWER,**  
**Plaintiff**

**v.**

**JUDGE SHOLLEY, et al.,**  
**Defendants**

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**No. 1:22-cv-01973**

**(Judge Kane)**

**ORDER**

**AND NOW**, on this 7th day of March 2023, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Plaintiff's claims that he was exposed to COVID-19, that he is regularly woken up to participate in head counts, that the prison does not have an adequate grievance system, and that he has not approved his diet are **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);
2. The remainder of Plaintiff's amended complaint (Doc. No. 8) is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);
3. Plaintiff may file a second amended complaint within thirty (30) days of the date of this Order with respect to the claims that have been dismissed without prejudice. If Plaintiff elects to file a second amended complaint, Plaintiff is advised to adhere to the standards set forth in the Federal Rules of Civil Procedure and the directives set forth by this Court in its accompanying Memorandum. Specifically, the second amended complaint must be complete in all respects. It must be a new pleading which stands by itself without reference to the first two complaints or any other documents already filed. The second amended complaint should set forth Plaintiff's claims in short, concise, and plain statements as required by Rule 8 of the Federal Rules of Civil Procedure. Each paragraph should be numbered. The second amended complaint should specify which actions are alleged as to which defendants and sufficiently allege personal involvement of the defendant in the acts which Plaintiff claims violated his rights. Mere conclusory allegations will not set forth cognizable claims;
4. The Clerk of Court is directed to mail Plaintiff a civil rights complaint form; and
5. If Plaintiff fails to file a second amended complaint within thirty (30) days of the date hereof or files a second amended complaint that fails to satisfy the pleading

requirements of Federal Rule of Civil Procedure 8, this case will be dismissed without further leave to amend for the reasons stated in the accompanying Memorandum.

s/ Yvette Kane

Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania